

**Meeting of the Central Valley Flood Protection Board  
September 19, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Consider approval of Permit No. 18205 (Attachment A) to authorize an existing concrete pad at the landside toe of the left (south) bank levee of the American River.

Applicant

James Hargrove

Location

The project is located in Sacramento, north of Folsom Blvd., west of Mayhew Road at 2582 Rio Bravo Circle. (American River, Sacramento County see Attachment B).

Description

To authorize an existing 26- by 40-inch concrete pad at the landside toe of the left (south) bank levee of the American River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.
- American River Flood Control District endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301c) covering existing facilities.

### Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

### Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

### List of Attachments

- A. Permit
- B. Location maps and photos

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18205 BD****This Permit is issued to:**

James Hargrove  
2582 Rio Bravo Circle  
Sacramento, California 95826

To authorize existing 26- by 40-inch, concrete pad, at the landside toe of the left (south) bank levee of the American River. The project is located in Sacramento, north of Folsom Blvd., west of Mayhew Road at 2582 Rio Bravo Circle (Section 7, T8N, R6E, MDB&M, American River Flood Control District, American River, Sacramento County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18205 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior written approval of the Central Valley Flood Protection Board.

**FOURTEEN:** Any additional encroachment(s) within the adopted plan of flood control will require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley flood Protection Board's regulations (Title 23 California Code of Regulations).

**FIFTEEN:** The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and American River Flood Control District shall not be held liable for damage(s) to the herein permitted project resulting from release(s) of water from resevoirs, flood fight, operation, maintenance, inspection, or emergency repair.

**SIXTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the herein permitted project and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and American River Flood Control District from any liability or claim(s) of liability associated therewith.

**SEVENTEEN:** The permittee shall be responsible for repair of any damage(s) to the levee section due to construction, operation, or maintenance of the herein permitted project.

**EIGHTEEN:** The permittee may be required, at permittee's cost and expense, to remove or alter all or any part of the herein permitted reclamation project if removal or alteration is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If

the permittee does not comply, the Central Valley Flood Protection Board may remove or modify the herein permitted project at the permittee's expense.

NINETEEN: The permittee shall comply with all conditions set forth in the letter from American River Flood Control District dated September XX, 2008 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated September XX, 2008, which is attached to this permit as Exhibit B and is incorporated by reference.







